

CITY OF GRAND JUNCTION, COLORADO MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL

May 17, 1989

The City Council of the City of Grand Junction, Colorado, convened in regular session the 17th day of May, 1989, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were John Bennett, Bill McCurry, Paul Nelson, Conner Shepherd, Reford Theobold, and President of the Council R. T. Mantlo. Councilman O. F. Ragsdale was absent. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Neva Lockhart.

President of the Council Mantlo called the meeting to order, and City Clerk Lockhart led in the Pledge of Allegiance.

INVOCATION - Reverend Dan Cox, Vineyard Bible Church.

MINUTES

There being no corrections or additions to the minutes of the May 3, 1989, regular City Council meeting, they were approved as submitted.

PROCLAMATION DECLARING MAY 21-27, 1989, AS "NATIONAL PUBLIC WORKS WEEK"

PROCLAMATION DECLARING JUNE, 1989, AS "COLORADO RECYCLING MONTH"

PROCLAMATION DECLARING JUNE 14, 1989, AS NATIONAL FLAG DAY "PAUSE FOR THE PLEDGE OF ALLEGIANCE" IN THE CITY OF GRAND JUNCTION

FRANK BERING APPOINTED TO THE CONVENTION AND VISITORS BUREAU - TERM TO EXPIRE DECEMBER 31, 1991

Upon motion by Councilman Nelson, seconded by Councilman Theobold and carried, Frank Bering was appointed to the Convention and Visitors Bureau, term to expire December 31, 1991.

OATH OF OFFICE ADMINISTERED TO REFORD THEOBOLD, PRESIDENT OF THE COUNCIL PRO TEMPORE, EX-OFFICIO MAYOR PRO TEMPORE

ALTERNATIVE PROPOSAL TO THE LODGING TAX

Mrs. Loretta Harrison, representing some of the motel and hotel owners in the City of Grand Junction, appeared before Council to present an alternative proposal to the lodging tax. The group proposed a promotion fund tax on lodging, restaurants and lounges, and car rentals based on a maximum of .55%. The City Council received the proposal for consideration.

HEARING #20-89 - PROPOSED ORDINANCE - AMENDING CHAPTER 32, CODE OF ORDINANCES, ZONING AND DEVELOPMENT CODE, CHAPTER 4, SECTION 4-3-4,

TO PERMIT ENTERTAINMENT CENTERS AS A CONDITIONAL USE IN THE HEAVY INDUSTRIAL ZONE (I-2)

A hearing was held after proper notice on the petition by Frank Preuss to amend the Zoning and Development Code to permit Entertainment Centers as an allowed use in the Heavy Industrial (I-2) Zone. There were no opponents, letters or counterpetitions.

The following entitled proposed ordinance was read: AN AMENDMENT TO THE CITY ZONING AND DEVELOPMENT CODE TO PERMIT ENTERTAINMENT CENTERS AS A CONDITIONAL USE IN THE HEAVY INDUSTRIAL ZONE (I-2). Upon motion by Councilman McCurry, seconded by Councilman Nelson and carried, the proposed ordinance was passed for publication.

HEARING #17-89 - GRAND AVENUE CORRIDOR GUIDELINES FROM FIRST STREET TO 28 ROAD

A hearing was held after proper notice on the petition by the Grand Junction Planning Department to adopt the Grand Avenue Corridor Guidelines from First Street to 28 Road. There were no opponents, letters, or counterpetitions.

Upon motion by Councilman Theobold, seconded by Councilman Shepherd and carried, the Grand Avenue Corridor Guidelines from First Street to 28 Road were adopted.

BIDS - AWARD OF CONTRACTS

Patterson Road Reconstruction - 25 1/2 Road to 26 Road, 1989 - Parkerson Construction - \$617,978

Upon motion by Councilman McCurry, seconded by Councilman Bennett and carried, the bids for the Patterson Road Reconstruction from 25 1/2 Road to 26 Road were accepted, the Contract was awarded to Parkerson Construction for its bid of \$617,978, and the City Manager was authorized to sign the Contract.

Traffic Signal Equipment, West End Project - Gades Sales Company - \$10,870.60

Upon motion by Councilman Bennett, seconded by Councilman McCurry and carried, the bids for the West End Project Traffic Signal Equipment were accepted, the Contract was awarded to Gades Sales Company for its bid of \$10,870.60, and the City Manager was authorized to sign the Contract.

Architectural and Engineering Service Contract for Tiara Rado and Lincoln Park Golf Club Houses - Chamberlin Architects - \$37,500

Upon motion by Councilman McCurry, seconded by Councilman Shepherd and carried, the Architectural and Engineering Service Contract for Tiara Rado and Lincoln Park Golf Club Houses was awarded to

Chamberlin Architects in the amount of \$37,500, and the City Manager was authorized to sign the Contract.

CHANGE ORDER PERMITTING USE OF SOD AROUND NO. 9 GREEN, TIARA RADO GOLF COURSE - SARG CONSTRUCTION - \$7,000

Upon motion by Councilman Bennett, seconded by Councilman McCurry and carried, an appropriation from the Golf Course Expansion Fund in the amount of \$7,000 was authorized for the use of sod around No. 9 green at the Tiara Rado Golf Course, contract work being performed by Sarg Construction.

PARKS AND RECREATION SOFTWARE PACKAGE - ARTHUR YOUNG - \$13,145

Upon motion by Councilman McCurry, seconded by Councilman Nelson and carried, the Contract for the Parks and Recreation Software Package was awarded to Arthur Young in the amount of \$13,145, and the City Manager was authorized to sign the Contract.

HEARING - APPLICATION BY GRAND JUNCTION DOWNTOWN ASSOCIATION, INC., FOR A 3.2% BEER SPECIAL EVENTS PERMIT SATURDAY, JUNE 17, 1989, FROM 7:00 A.M. - 11:55 P.M. IN THE 400 AND 500 BLOCKS OF MAIN STREET AND IN THE UNITED BANK PARKING LOT AT 4TH STREET AND COLORADO AVENUE FOR THE BUFFALO AFFAIRE/ART AND CRAFT SHOW - 3RD PERMIT - APPROVED

A hearing was held after proper notice on the application by the Grand Junction Downtown Association, Inc., for a 3.2% Beer Special Events Permit on Saturday, June 17, 1989, from 7:00 A.M. to 11:55 P.M. in the 400 and 500 Blocks of Main Street and in the United Bank Parking Lot at 4th and Colorado for the Buffalo Affaire/Art and Craft Show. Ron Maupin, President of the Association was present. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Nelson, seconded by Councilman McCurry and carried, the application was approved.

HEARING ON THE PROPOSED ORDINANCE COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION TO THE STATE OF COLORADO DEPARTMENT OF LOCAL AFFAIRS REQUESTING \$150,000 FOR THE NORTH FORK DIVERSION PROJECT WATER PIPELINE FROM THE NORTH FORK OF KANNAH CREEK TO PURDY MESA AND JUNIATA RESERVOIRS

A hearing was held after proper notice, both posted and published May 5, 1989, on the proposal to make application to the Colorado Department of Local Affairs to request a Community Development Block Grant in the amount of \$150,000 for the North Fork Diversion Project Water Pipeline from the North Fork of Kannah Creek to the Purdy Mesa and Juniata Reservoirs. Greg Trainor, Utility Manager for the City of Grand Junction, explained that the Project is for a thirty-inch pipeline extending from the North Fork of Kannah Creek to the Purdy Mesa and the Juniata Reservoirs (Mr. Trainor indicated a map on the wall showing the location of the project), designating the two major drainages that the City draws water from

off of Grand Mesa. This project will allow the City to utilize all its direct flow decrees on the North Fork of Kannah Creek as well as allow it to capture snow melt in the springtime to transfer water that it may release from Grand Mesa Reservoirs in the fall down the North Fork of Kannah Creek as well as allow it to divert water from the North Fork of Kannah Creek drainage and the Kannah Creek drainage and not have to take a 15% shrink in the water that it puts into Kannah Creek, thus allowing the City to better utilize its water. Mr. Trainor noted that application has been made to the Colorado Department of Local Affairs for the \$150,000 Community Development Block Grant. The City has applied for and been approved for a \$250,000 loan from the Colorado Water Conservation Board, and the balance of the funds for the project will come from the City of Grand Junction. This project will allow the City to put into storage approximately 2700 additional acre feet of water.

There were no comments from the public, and there were no written comments submitted.

The hearing was closed.

PROPOSED ORDINANCE REPEALING AND REENACTING SECTION 19-81 OF CHAPTER 19 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION IN ORDER TO PROVIDE NEW PENALTIES FOR VIOLATION OF A SECTION OF CHAPTER 19 OF THE CODE OF ORDINANCES

The following entitled proposed ordinance was read: AN ORDINANCE REPEALING AND REENACTING SECTION 19-81 OF CHAPTER 19 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION IN ORDER TO PROVIDE NEW PENALTIES FOR VIOLATION OF A SECTION OF CHAPTER 19 OF THE CODE OF ORDINANCES. Upon motion by Councilman Nelson, seconded by Councilman McCurry and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE AMENDING SECTIONS OF CHAPTER 14 OF THE CITY CODE TO DEFINE MOBILE HOMES AND TRAVEL TRAILERS AS RESIDENCES FOR TRASH PICKUP PURPOSES AND PROVIDING FOR SPECIAL PICKUP CHARGES

The following entitled proposed ordinance was read: AMEND SECTIONS OF CHAPTER 14 OF THE CITY CODE TO DEFINE MOBILE HOMES AND TRAVEL TRAILERS AS RESIDENCES FOR TRASH PICKUP PURPOSES AND PROVIDING FOR SPECIAL PICKUP CHARGES. Upon motion by Councilman McCurry, seconded by Councilman Bennett and carried, the proposed ordinance was passed for publication.

RESOLUTION NO. 18-89 - GRANTING EASEMENT ACROSS TIARA RADO GOLF COURSE TO MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY TO INSTALL A BURIED CABLE PROVIDING TELEPHONE SERVICE TO TIARA RADO SUBDIVISION FILING #5

The following Resolution was read:

RESOLUTION NO. 18-89

CONCERNING THE GRANTING OF AN EASEMENT TO THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY DOING BUSINESS AS U.S. WEST COMMUNICATIONS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

WHEREAS, the City of Grand Junction is the owner of certain real property which is presently used and commonly known as the Tiara Rado Golf Course; and

WHEREAS, The Mountain States Telephone and Telegraph Company, doing business as U.S. West Communications, has requested that a portion of that parcel of land be used as an easement for a buried telephone cable; and

WHEREAS, the City Council finds that said request is reasonable and in the public interest.

NOW, THEREFORE, BE IT RESOLVED that the City Manager is hereby directed and authorized to execute an easement in favor of The Mountain States Telephone and Telegraph Company, doing business as U.S. West Communications, for use of the area as shown on the attached map labeled "Exhibit A" which is incorporated herein by this reference, to be used exclusively for buried telephone cable purposes and for supplying telephone service to the properties situated within Tiara Rado Subdivision, Filing No. 5. Provided, however, the Grantee shall, at its expense, repair and restore the easement area as set forth in the Easement attached to the condition existing prior to the installation of said buried telephone cable.

E A S E M E N T

THE CITY OF GRAND JUNCTION, a municipal corporation, Grantor, for the consideration of Ten Dollars (\$10.00) and other good and valuable consideration to Grantor in hand paid by the MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, a Colorado Corporation, doing business as U.S. West Communications, Grantee, whose address is 2524 Blichmann Avenue, Grand Junction, Colorado, 81505, the receipt whereof is hereby acknowledged, hereby quit claims unto Grantee, its successors and assigns, an easement for the installation and maintenance of a buried telephone cable on, along, over and under and across the following described premises located in the County of Mesa, State of Colorado, to wit:

A 5.0 foot wide tract of land in the Northwest Quarter of Section 27, Township 11 South, Range 101 West of the 6th P.M., Mesa County, Colorado, the centerline of which is described as follows:

Commencing at the Northernmost Corner of Lot 15, Tiara Rado Subdivision Filing No. Five, Mesa County, Colorado; thence S 82

deg. 22 min. 32 sec. W (Basis of Bearings) along the Northwesterly line of said Lot 15 a distance of 2.50 feet to the Point of Beginning; thence along said centerline the following nine (9) courses:

1. N 23 deg. 49 min. 26 sec. E, 139.48 feet;
2. N 21 deg. 47 min. 16 sec. E, 139.78 feet;
3. N 31 deg. 01 min. 22 sec. E, 30.17 feet;
4. N 49 deg. 48 min. 11 sec. E, 29.79 feet;
5. N 63 deg. 43 min. 18 sec. E, 44.24 feet;
6. N 00 deg. 07 min. 21 sec. E, 23.30 feet;
7. N 45 deg. 58 min. 35 sec. E, 81.62 feet;
8. S 54 deg. 16 min. 38 sec. E, 108.08 feet;
9. N 32 deg. 02 min. 33 sec. E, 12.66 feet to the Point of Terminus, containing 3045.6 square feet, more or less.

Subject to all applicable zoning and other regulations, together with the full right and authority to Grantee, its successors, licensees, lessees, contractors or assigns, and its and their agents and employees to enter at all times upon said premises to survey, construct, repair, remove, replace, patrol, inspect, and maintain said buried telephone cable. Provided, however, in the event it becomes necessary for Grantee to disturb the surface of the aforescribed parcel and/or excavate the same for any purpose, including, but not limited to, repairs or maintenance to the buried telephone cable, then all of such excavation and disturbance, including damage to the adjoining City property, shall be repaired and restored to the condition existing prior to such disturbance or excavation. All of such repairs and the payment of the costs and expenses for the same shall be conducted and paid by the Grantee.

Grantee shall exercise the rights herein granted to it with due care, and all damages to persons or property resulting from the failure to exercise due care, or other standard of care as may be applicable, shall be paid for or repaired at the expense of Grantee. Grantee shall indemnify and hold harmless Grantor, its officers, employees and agents from any damages or claims for damages to persons or property arising out of the use by Grantee of the premises, not arising from the Grantor's negligence.

Grantee shall conduct its activities to the extent reasonably practical, so that those activities do not prohibit the joint use of the property by the City of Grand Junction or its successors or assigns.

The provisions of this easement shall be binding upon and shall inure to the benefit of the heirs, executors, administrators, personal representatives, successors and assigns of the parties hereto.

Signed and delivered this 19th day of May, 1989.

CITY OF GRAND JUNCTION, COLORADO

By: /s/ Mark Achen

City Manager

ATTEST:

/s/ Neva B. Lockhart, CMC

City Clerk

STATE OF COLORADO)	
)	SS.
COUNTY OF MESA)	

The foregoing instrument was acknowledged before me this 19th day of May, 1989, by Mark K. Achen, City Manager and Neva B. Lockhart, City Clerk of the City of Grand Junction.

Witness my hand and official seal.

My Commission Expires February 15, 1992.

;sigl;
/s/ Rosemary C. Heaney
Notary Public
2084 Broadway
Grand Junction, CO 81503

PASSED and ADOPTED this 17th day of May, 1989.

/s/ R.T. Mantlo

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

Upon motion by Councilman Theobold, seconded by Councilman Shepherd and carried by roll call vote, the Resolution was passed and adopted as read.

RESOLUTION NO. 19-89 - LEASE AGREEMENT WITH THE MUSEUM OF WESTERN COLORADO FOR 120 ACRES OF CITY-OWNED LAND KNOWN AS THE PAINTED BOWL

The following Resolution was read:

RESOLUTION NO. 19-89

PROVIDING FOR THE LEASE OF CITY OWNED REAL ESTATE TO THE MUSEUM OF WESTERN, COLORADO, INC.

WHEREAS, by virtue of United States Land Patent No. 1125350, the City of Grand Junction is the owner of the following described real property in Mesa County, Colorado, to wit:

The West One-Half of the Southwest Quarter and the Southeast Quarter of the Southwest Quarter of Section 21, Township 1 South, Range 1 West of the Ute Meridian, containing approximately 120 acres; and

WHEREAS, the Museum of Western Colorado, Inc. is desirous of securing from the City a Recreational and Public Use Lease for said Property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the City Manager, on behalf of the City and as the act of the City, is hereby authorized and directed to enter into an agreement providing for a Recreational and Public Use Lease of said property to the Museum of Western Colorado, Inc., which Lease shall commence on the 1st day of June, 1989, and terminate on the last day of May, 1999, along with the other terms and conditions as they appear in the attached Lease Agreement.

PASSED and ADOPTED this 17th day of May, 1989.

/s/ R.T. Mantlo

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

Upon motion by Councilman Theobald, seconded by Councilman McCurry and carried by roll call vote, the Resolution was passed and adopted as read.

RESOLUTION REGARDING THE DAILY SENTINEL REPORT GARY HARMON'S WINNING THE 1988 JOHN HANCOCK AWARD FOR EXCELLENCE IN BUSINESS AND FINANCIAL JOURNALISM

The following Resolution was read:

RESOLUTION

WHEREAS, Gary Harmon has been a report for the Daily Sentinel since 1987, with mixed distinction; and

WHEREAS, Mr. Harmon has on occasion reported activities of the City of Grand Junction; and

WHEREAS, Mr. Harmon has had occasion to comfort the afflicted and afflict the comfortable; and

WHEREAS, Mr. Harmon has apparently and allegedly won a national business reporting award; and

WHEREAS, Mr. Harmon's prestigious award will bring favorable publicity to his newspaper and the City of Grand Junction; and

WHEREAS, Mr. Harmon's award carries with it a cash prize worth more than the city salaries of the esteemed Council Members; and

WHEREAS, This Council notes that Mr. Harmon is working tonight instead of celebrating; and

WHEREAS, It is the intention of this City Council to honor Mr. Harmon for his John Hancock award.

THEREFORE, BE IT RESOLVED THAT: The City of Grand Junction commends Gary Harmon for his series of stories on the State Workers' Compensation system and the prestigious national award he won today, and resolves to help Mr. Harmon spend his cash award in a manner that will benefit the local economy, by allowing Mr. Harmon to buy the first round immediately following adjournment tonight.

DATED this 17th day of May, 1989.

;sigl;
/s/ R.T. Mantlo, Mayor

;sigl;

/s/ John W. Bennett, Councilman

;sigl;

/s/ Paul W. Nelson, Councilman

;sigl;

/s/ Reford C. Theobald, Councilman

;sigl;

/s/ William E. "Bill" McCurry, Councilman

;sigl;

/s/ Conner W. Shepherd, Councilman

TWO RIVERS PLAZA RENAMED TWO RIVERS CONVENTION CENTER

Upon motion by Councilman Bennett, seconded by Councilman Nelson and carried, Two Rivers Plaza was renamed Two Rivers Convention Center.

JUNE 21, 1989, CITY COUNCIL MEETING CANCELLED

Upon motion by Councilman Theobald, seconded by Councilman McCurry and carried, the June 21, 1989, City Council meeting was cancelled.

LODGING TAX

Louis O'Riordan from Estes Park, Colorado, representing the Citizens Protective Association presented a few comments regarding the proposed lodging tax.

ADJOURNMENT

The President of the Council adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk